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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 5TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR. JUSTICE V.P. MOHAN KUMAR

WRIT PETITION NO: 21412/1996

BETWEEN :

The Karnataka State Road Transport
Corporation, Rep. by the Chief
Law Officer, Law Officer, Law
Dept. 'Transport Bhayan', Central
Offices, Post Bag No. 2778, Shanti-
nagar, K.H. Road, Bangalore-560 027.

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...Petitioner

(By Smt. Neela Arun, for Sri. S.V.
Jagannath, Adv. for petitioner)

AND :

1. A. Ibrahim,
C/o The Gen. Secretary,
K.S.R.T.C. Staff & Workers
Union, Maidan Road,
Mangalore,
Dakshina Kannada.

2. The Presiding Officer,
Labour Court, Mangalore,
Dakshina Kannada.

....Respondents

(By Sri. B.R.S. Gowda, Advocate for
R- 1
R-1 notice dispensed with)

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This writ petition is filed under Articles 226 of the Constitution of India, praying to quash vide Annexure-A dt.28.10.95 by R-2, etc.,

This writ petition coming on for preliminary hearing in B Group this day, the Court made the following:

ORDER

The petitioner is the Corporation. The worker in question was a driver. Alleging that he drove the vehicle in a rash and negligent manner which resulted in an accident, disciplinary action was taken against him and initially a punishment of reduction of one increment was ordered. Thereafter it was enhanced and reduction of his pay by two increment was imposed. The worker raised a dispute before the Labour Court. The Labour Court held that there is no fair and proper enquiry and it held that domestic enquiry is invalid. It further held that punishment imposed is disproportionate

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to the charges levelled against the worker and it set aside the punishment imposed. The award of the Labour Court is challenged before this Court.

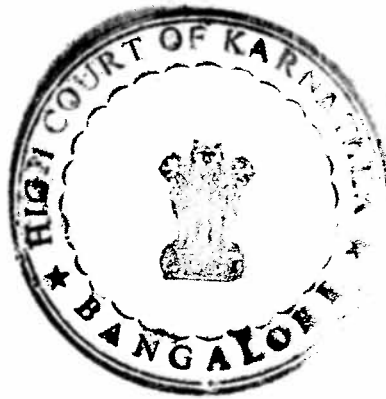
2. I have heard learned Counsel for the petitioner. There is no representation on behalf of the worker.

3. I do not think that the award of the Labour Court calls for interference. The punishment imposed on the worker is disproportionate to the charges. The charges are based on the domestic enquiry. When the domestic enquiry is set aside, it follows that punishment imposed should also go. The evidence led by the management is not sufficient to establish that the worker is guilty of charges. There is no clear cut evidence to establish that the worker

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was driving the vehicle in a rash and negligent manner resulting in accident. Therefore, the Labour Court has rightly set aside the punishment imposed. In this view of the matter, I confirm the award of the Labour Court. Writ petition dismissed.

Sd/-
JUDGE



ks p/-